REMARKS/ARGUMENTS

In a final Office Action mailed on May 17, 2006, claims 1-25 were rejected and/or objected to. Applicants request reconsideration of the pending claims in view of the following remarks.

I. Rejection under 35 U.S.C. 102

Claims 1 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,432,607 (the Taubenblatt reference).

MPEP section 2101.01 clearly states, "[w]here an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999)."

The Examiner, in his response to Applicants' arguments, asserts that the Applicants are attempting to import a limitation from the specification into the claims (see e.g. Paper No. 20060502, page 9, Para. 1). Applicants assert that the Examiner's assertion mischaracterizes Applicants' arguments. Applicants' arguments in the response to the previous Office Action (Paper No. 20051201), filed on March 3, 2006, were that the specification clearly defines the meaning of a cross-polarization component and that the Taubenblatt reference fails to disclose measuring the cross-polarization components of the diffracted beams during the azimuthal scan, as defined in the current application.

As described on page 5, paragraph [0025], of the present application as originally filed and discussed in the response to the previous Office Action, the cross-polarization components refers to a **change in the linear polarization state** between the incident beam and the diffracted beam.

The incident beam, as taught by the Taubenblatt reference, is elliptically polarized (see e.g. col. 3, lines 32-41 and col. 5, lines 46-48) and not linearly polarized, thus there would be no **change in the linear polarization state** between the incident beam and the diffracted beam. The diffracted

beam may be linearly polarized by adjusting the elliptical polarization of the incident beam (see e.g. col. 5, lines 61-68), but would not be a cross polarization component because the elliptically polarized incident beam would not, by definition, have a cross polarization component.

In light of the above arguments, Applicants assert that the Taubenblatt reference fails to disclose each and every element of claims 1 and 13, and thus the rejection should be withdrawn.

II. Rejection Under 35 U.S.C. 103(b)

A. Claims 2 an 14

Claims 2 and 14 were rejected under 35 U.S.C 103(a) as being unpatentable over the Taubenblatt reference and in view of U.S. Patent No. 4,837,603 (the Hayashi reference).

Applicants assert that claims 2 and 14 are allowable for at least the reason that they depend from allowable independent claims.

B. Claims 10, 22, and 25

Claims 10, 22, 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Taubenblatt reference in view of U.S. Patent No. 5,979,244 (the Michaelis reference).

Applicants assert that claims 10 and 22 are allowable for at least the reason that they depend from allowable independent claims.

With regard to independent claim 25, as discussed above, the Tautenblatt reference fails to disclose measuring the cross polarization components of the diffracted beams during the azimuthal scan. The Michaelis reference fails to cure this deficiency because it does not disclose measuring the cross polarization components of the diffracted beams during the azimuthal scan. Accordingly, neither the Tautenblatt reference nor the Michaelis reference individually or in combination disclose all the limitations of claim 25, and thus the rejection should be withdrawn.

III. Allowable Subject Matter

Applicants note that the only objection to claims 3-9, 11-12, 15-21, and 23-24 was their dependence on a rejected base claim. As the rejected base claims are believed to be patentable in view of the above remarks, withdrawal of the objection to claims 3-9, 11-12, 15-21, and 23-24 is requested.

IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 509982005700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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